

Village of Salado

ORDINANCE NO. 2020-09

Parking Ordinance

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS, PROHIBITING THE PARKING OF CERTAIN VEHICLES OR TRAILERS ON PUBLIC STREETS, ALLEYS, PARKWAYS, BOULEVARDS AND ON PRIVATE PROPERTY ZONED OR USED AS RESIDENTIAL WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF SALADO; REPEALING ANY ORDINANCE IN CONFLICT THEREWITH, PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Section 51.032, the Board of Aldermen of the Village of Salado ("Board of Aldermen") is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village; and

WHEREAS, pursuant to Texas Local Government Code Chapter 214 the Board of Aldermen is authorized by law to adopt an ordinance regarding building regulations and the municipal regulation of housing; and

WHEREAS, pursuant to Texas Local Government Code Chapter 217 the Board of Aldermen is authorized by law to adopt an ordinance regarding public nuisances; and

WHEREAS, the Board of Aldermen finds that the parking of certain vehicles and trailers on public roadways and on private property zoned or used as residential is unsightly, harmful to visual lines of sight, detrimental to neighboring property values, and generally a public nuisance; and

WHEREAS, the Board of Aldermen finds the parking of certain vehicles and trailers on public roadways and on private property zoned or used as residential contrary to the Village's goals of promoting natural beauty and responsible landscaping; and

WHEREAS, the Board of Aldermen finds that regulation of the parking of certain vehicles and trailers on public roadways and on private property zoned or used as residential will promote the health, safety and general welfare of the community; and

WHEREAS, the Board of Aldermen finds that the regulations established by this Ordinance are for the good government, peace, or order of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS, THAT:

SECTION 1. RECITALS

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ENACTMENT

The following regulations are hereby enacted and shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment "A"*.

SECTION 3. REPEALER

Any ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 5. PUBLICATION

The Village Secretary is hereby directed to publish the caption and penalty of this Ordinance as required by law.

SECTION 6. EFFECTIVE DATE

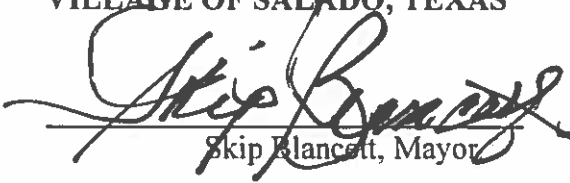
This Ordinance shall be effective immediately upon its passage and publication as required by law.

SECTION 7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED & APPROVED this 7th day of May 2020, by 3 Ayes to 2 Nays to 0 Abstentions of the Board of Aldermen of the Village of Salado, Texas.

VILLAGE OF SALADO, TEXAS


Skip Blum, Mayor

ATTEST:


Cara McPartland, Village Secretary



**PARKING AND STORAGE OF
CERTAIN VEHICLES AND TRAILERS**

Sec. 1. Definitions.

In this Ordinance, the terms described below shall have the following meanings:

- a. **Bus:** A motor vehicle used to transport persons and designed to accommodate more than 10 passengers, including the operator.
- b. **Commercial Utility Trailer:** A vehicle without motive power that is: (1) designed or used to carry equipment, goods and supplies, on its own structure exclusively for commercial business reasons; and (2) drawn by a motor vehicle.
- c. **Commercial Motor Vehicle:** A motor vehicle or combination of motor vehicles used to transport passengers and property for commercial business reasons that: (A) has a gross combination weight rating of ten thousand (10,000) or more pounds; or (B) is more than twenty-two (22) feet in length, seven (7) feet in width or seven (7) feet in height.
- d. **Motor Vehicle:** Any vehicle designed to carry one or more persons that is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.
- e. **Park or Parking:** To stand an occupied or unoccupied vehicle, other than temporarily.
- f. **Recreational Vehicle or RV:** Any vehicular, portable structure designed for temporary or short-term occupancy. Such vehicles shall include self-propelled recreational vehicles, travel trailers, converted buses, tent trailers, motor homes, or similar devices used for temporary portable housing.
- g. **Road Tractor:** A motor vehicle designed and used to draw another vehicle but not constructed to carry a load independently or a part of the weight of the other vehicle or its load.

- h. Semi-trailer:** A vehicle without motive power that is designed, or used with a motor vehicle, so that some of its weight and the weight of its load rests on, or is carried by, the motor vehicle.
- i. Stand or Standing:** To halt an occupied or unoccupied vehicle while receiving property or passengers.
- j. Stop or Stopping:** To halt an occupied vehicle.
- k. Trailer:** A vehicle without motive power that is: (1) designed or used to carry property, or passengers on its own structure exclusively; and (2) drawn by a motor vehicle. The term trailer includes, but is not limited to, the following: trailer coach, semi-trailer, or pole trailer. The term does not include recreational vehicles as defined above.
- l. Truck-tractor:** A motor vehicle designed or used primarily for pulling other vehicles and not constructed to carry a load other than a part of the weight of the vehicle being drawn.
- m. Vehicle:** A mechanical device, other than a device moved by human power or used exclusively upon stationary rails or tracks, in, on, or by which a person or property can be transported. The term includes a motor vehicle, commercial motor vehicle, recreational vehicle, truck-tractor, trailer, semitrailer, boat or watercraft, but does not include: (1) manufactured housing as defined by the Texas Manufactured Housing Standards Act, Chapter 1201 of the Texas Occupations Code, or (2) self-propelled wheel chairs or mechanical devices while being used by disabled individuals.

Sec. 2. Prohibited Parking of Certain Vehicles and Trailers.

- a. General Prohibition:** It shall be unlawful for any person to stop, stand or park a truck-tractor, road tractor, trailer, semi-trailer, bus, commercial motor vehicle, or commercial utility trailer upon any public street, alley, parkway, boulevard or public property within the Village limits. This section shall not apply to street construction, maintenance and repair equipment; trucks, equipment, trailers, and vehicles used by public service utility companies engaged in repairing or extending public service utilities; commercial motor vehicles and commercial utility trailers parked in or adjacent to a location where commercial business services are being performed only for the period necessary to complete the work; motor buses when taking on or discharging passengers at customary bus stops; other vehicles when actually parked at a designated loading zone; municipal vehicles used to perform Village business; or commercial motor vehicles or commercial utility trailers where it is lawful to park a

commercial motor vehicle or commercial utility trailer for the purpose of accepting or delivering transportable goods. It is an affirmative defense to prosecution under this section that the vehicle had a mechanical defect, making it unsafe to proceed further, in which event it shall be lawful to stop, stand or park the vehicle during the time necessary to make emergency repairs.

- b. **General Prohibition:** It shall be unlawful for any person to stop, stand or park a truck-tractor, road tractor, trailer, semi-trailer, bus, commercial motor vehicle, or commercial utility trailer upon private property zoned or used as residential. This section shall not apply to street construction, maintenance and repair equipment; trucks, equipment, trailers, and vehicles used by public service utility companies engaged in repairing or extending public service utilities; commercial motor vehicles and commercial utility trailers parked in or adjacent to a location where commercial business services are being performed only for the period necessary to complete the work; motor buses when taking on or discharging passengers at customary bus stops; other vehicles when actually parked at a designated loading zone; municipal vehicles used to perform Village business; or commercial motor vehicles or commercial utility trailers where it is lawful to park a commercial motor vehicle or commercial utility trailer for the purpose of accepting or delivering transportable goods. It is an affirmative defense to prosecution under this section that the vehicle had a mechanical defect, making it unsafe to proceed further, in which event it shall be lawful to stop, stand or park the vehicle during the time necessary to make emergency repairs.

Sec. 3. Penalty.

Any person violating the provisions of this Ordinance shall be guilty of a Class C misdemeanor and, upon conviction, will be subject to a fine not to exceed five hundred dollars (\$500.00) per offense. The Village is authorized in the alternative, or in conjunction, to bring civil enforcement actions, seeking injunctive relief and civil penalties. Each day that a violation continues shall constitute a separate offense.